

# Contents

<i>List of Contributors</i>	ix
<i>Table of Cases</i>	xiii
<i>Table of Legislation</i>	xvii
Introduction	1
I. THE INTERNATIONAL LEGAL FRAMEWORK	
1. <b>Plurality and Interaction of Legal Orders in the Enforcement of Cultural Heritage Law</b>	9
I. Introduction	9
II. Plurality of Perspectives	10
III. Plurality and Interaction of Legal Regimes	12
IV. Plurality and Interplay of Enforcement Mechanisms	17
V. Interaction between Domestic Adjudication and International Enforcement	20
VI. Conclusion	20
2. <b>Enforcement of Restitution of Cultural Heritage through Peace Agreements</b>	22
I. Introduction	22
II. Peace through Reparations	23
III. Peace through Unity	27
IV. Peace through Division	31
V. Conclusion	38
3. <b>The Role of International and Mixed Criminal Courts in the Enforcement of International Norms Concerning the Protection of Cultural Heritage</b>	40
I. Introduction: The Enforcement of Crimes against Cultural Heritage	40

II. Enforcement of International Law on Cultural Heritage in Practice: The Case Law of the International Criminal Tribunal for the Former Yugoslavia	44
III. The Contemporary Significance of Cultural Heritage: Beyond State Property and Exterior Worth	55
IV. Conclusion: Taking a Lesson for the Future from the Balkan Wars	58
V. Postscript	59
 4. <b>Illicit Trade in Antiquities: A View 'From the Ground'</b>	 65
I. Introduction	65
II. This Way to the Mummy	66
III. Local Impacts at Home in the United States	66
IV. Looting in Conflict Zones	68
V. Proactive Approaches for Site Protection in Conflict Zones	70
VI. The Market for Illicit Antiquities	73
VII. Conclusion	76
  II. ENFORCEMENT BY DOMESTIC COURTS	
 5. <b>Sovereign Immunity and the Enforcement of International Cultural Property Law</b>	 79
I. Introduction	79
II. Should Sovereign Immunity from Jurisdiction be Granted in Art-Recovery Suits?	81
III. Immunity of Cultural Property from Execution: An Absolute Rule?	92
IV. Conclusion	108
 6. <b>The Enforcement of Foreign Law: Reclaiming One Nation's Cultural Heritage in Another Nation's Courts</b>	 110
I. Introduction	110
II. The Enforcement of the Export Laws of One Nation in the Courts of Another	110
III. The Repatriation of Cultural Heritage	119
IV. Conclusion	124

<b>7. The Enforcement of Underwater Cultural Heritage by Courts</b>	125
I. Introduction	125
II. Claimants to Rights over Cultural Objects at Sea	126
III. Domestic Courts' Arguments: A Critical Analysis	136
IV. Some Unanswered Questions	144
<b>8. Enforcement by Domestic Courts: Criminal Law and Forfeiture in the Recovery of Cultural Objects</b>	150
I. Introduction	150
II. Types of Illegal Conduct in the Movement of Antiquities	152
III. Legal Actions	160
IV. Shifts in Recovery Methods and Deterrent Effect: Unintended Consequences	167
 <b>III. ALTERNATIVE METHODS OF ENFORCEMENT</b>	
<b>9. Plurality and Coordination of Dispute Settlement Methods in the Field of Cultural Heritage</b>	177
I. Introduction	177
II. The Legal Framework for Cultural Heritage Protection	178
III. A Critical Appraisal of the Legal Parameters	183
IV. The Enforcement of Cultural Heritage Law through Dispute Settlement Means	186
V. Critical Appraisal of the Dispute Resolution Methods	194
VI. Disclosing the Judicial's Ongoing Penchant for Culture-Sensitive Rulings	196
VII. International Public Policy and Coordination in Dispute Settlement for the Enforcement of Cultural Heritage Law	203
<b>10. Social Norms and Illicit Cultural Heritage</b>	206
I. Introduction	206
II. Antiquities Appearing on the Market Since 1970 are Presumed Illicit	214
III. The Return of Illicitly Excavated Objects	216
IV. The Culture of Antiquities Looting in the American Four Corners Region	222
V. Conclusions	226

<b>11. The Quest for the Masterpiece: Traditional Practices of Collecting in American Museums</b>	<b>228</b>
I. Introduction	228
II. Recently Revised Ethical Standards and Acquisition Policies	230
III. From Ethics to Action: What Else Can Museums Do?	237
 <b>12. Enforcing Import Restrictions of China's Cultural Objects: The Sino-US Memorandum of Understanding</b>	 <b>240</b>
I. Introduction	240
II. Legal Basis for the MOU	241
III. The Signing of the MOU and Its Main Contents	244
IV. Positive Impact on Protection of Chinese Cultural Heritage by the MOU	247
V. Conclusion	254
 <i>Index</i>	 257